



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,491	08/28/2003	Charles Kreutzer	62747	6978

27148 7590 03/24/2006

POL SINELLI SHALTON WELTE SUELTHAUS P.C.  
700 W. 47TH STREET  
SUITE 1000  
KANSAS CITY, MO 64112-1802

EXAMINER

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/650,491

Applicant(s)

KREUTZER, CHARLES

Examiner

Tony G. Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim interpretation***

1. Claim 21 recites a "configured for coupling" is read as directed to the intended environment and is deemed to only require the structural capability of coupling to a source of water. The scope of the claims does not claim a source of pressurized water. For example, a structure with a mere coupling or an open ended pipe line which may fit into a source tank in which may be fluidly coupled in operation is deemed to meet the claim language.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim s12-14, and 17, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gonsalves 4803955.

The claims are so broad that the Gonsalves reference anticipates a tank 14, a system for rinsing the tank 86,89, 90, connectable with also with a water source 98, with a spherical dispenser nozzle with nozzle openings thereon as shown in figure 2 which provides a spray of fluid which impinges on the interior walls of the vessel as seen by the dashed lines which includes an fluid intake port (opening upon the lid to provide the fitting for the dispenser section 86), a removable cover 28, column3, line 20, and a fluid transferring apparatus 20, 80, in communication with the tank

Art Unit: 1723

4. Claims 12-15, and 17-19, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Moseley 2868516.

The claims are so broad that the Moseley reference anticipates a tank 8, a system for rinsing the tank 56 dispenser 15 connected to the removable cover 9, 16 having a fluid intake port to accept the dispenser 15 in which the end of the dispenser 15 in cooperation with the conical deflector 56 provides a nozzle for producing a conical spray which would impinge upon the interior sides of the tank 8 as seen by the dashed lines and arrows in figure 1, and a fluid transferring apparatus 10, 11 in communication with the tank to remove the fluid from the bottom of the tank via the pump 11 to a discharge line (unnumbered) connected to line 12. With regards to claim 21 note that the pump has couplings which may be connectable with any source if so desired.

5. Claims 12-15, and 17- 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell et al 6361201.

The claims are so broad that the Russell et al reference anticipates a tank 12, a system for rinsing the tank 52, 54, 56 dispenser is connected to the removable cover 14 having a fluid intake port in the cover lid 14 to accept the dispenser pipeline whereby at the end of the dispenser it provides a nozzles 52, 56 which may spray an impinge upon the interior sides of the tank 12, and a fluid transferring apparatus 8, 26, 20, 24, 22, 30 in communication with the tank to remove the fluid from the bottom of the tank via the pump 24.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al 6361201.

The Russell et al reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of the pump being a diaphragm pump. The use of diaphragm pumps are an old and well known class of pump mechanisms such as centripetal or diaphragm or displacement pumps which all pump fluids.

Absent an unexpected result, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute the pump 24 of the Russell et al reference with a diaphragm pump of a known structural functional equivalent so as to provide a more conventionally made device should diaphragm pumps be more readily available than other commonly known pumps.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al 6361201 in view of Gonsalves 4803955.

The Russell et al reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of the fluid transport line having a configuration for coupling with a source of pressurized water.

The reference to Gonsalves teaches that a pipeline 92 may be provided with a coupling 98 which may be utilized to feed water into the apparatus. In view of the teaching of Gonsalves, it is deemed that it would have been obvious to one of ordinary skill in the art to provide a connection of the fluid transport line with a coupling so that it may easily provide and connect to water so that water may be introduced into the apparatus.

### ***Response to Arguments***

9. Applicant's arguments filed 1-3-2006 have been fully considered but they are not persuasive. With regards applicants arguments to the Gonsalves reference, the fluid distribution structure and the fluid transfer structure is positively pointed out in the rejection above.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Otte 5609417 is an example of a mixing tank with a fluid spray and a fluid transport, and fluid dispensing system.

11. Applicant has added the feature of a system for rinsing the tank with features fluid wall contact, and added the combination of additional features in a dependent claim which now presents a new combination of element not previously presented upon its merits. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

Art Unit: 1723

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony G Soohoo  
Primary Examiner  
Art Unit 1723



1723  
TONY G. SOOHOO  
PRIMARY EXAMINER